THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.552 OF 2006

DATED; 3RD APRIL, 2006.

Between:

Smt. Vachala Bai … Petitioner

And

1. The Addl. Agent to Governor and Project Officer, ITDA, Adilabad, Head Qrs. At Utnoor, And others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.552 OF 2006

ORDER :

The petitioner claims to be the owner and possessor of the land in Sy.Nos.66, 98 & 99 to an extent of 25-08 acres, 13-07 acres and 19-39 acres situated at Karthawada Village, Mandal Boath, Adilabad district. The 2nd respondent having initiated proceedings under the Andhra Pradesh Schedule Area Land Transfer Regulations, 1959, by order dated 27-8-2005 held that the alienation in favour of the petitioner and others was contrary to the Regulations and directed resumption of the land. Aggrieved by the said order, the petitioner preferred an appeal before the 1st respondent. Pending the said appeal, the 1st respondent initially by order dated 19-11-2005 directed that the order dated 27-8-2005 shall be kept in abeyance till final orders. However, by subsequent order dated 28-12-2005 it was held as under :

> *"This case again comes on 22-12-2005. This Court has after consideration of the appellant appeal and records available the earlier orders issued on 19-11-2005 in this reference No.DT/Ags/A4/10/2005 are hereby revoked and appeal is allowed for further hearing."*

The said order is assailed in this writ petition. This Court while directing Notice Before Admission, by order dated 6-1-2006 granted interim suspension of the order dated 28-12-2005.

No counter-affidavit has been filed on behalf of the respondents contradicting the version of the petitioner.

Having heard the learned Counsel for the petitioner as well as the learned Government Pleader for Social Welfare appearing for the respondents and keeping in view that Appeal against the order of the Special Deputy Collector is still pending before the 1st respondent, I am of the opinion that it would be appropriate to protect the possession of the petitioner till final orders are passed in the appeal. Hence, the 1st respondent was not justified in passing the impugned order.

Accordingly, the order dated 28-12-2005 is set aside and the 1st respondent is directed to pass appropriate orders in accordance with law in the main appeal as expeditiously as possible preferably within a period of three months from the date of receipt of this order. Till such time, the order dated 27-8-2005 passed by the 2nd respondent shall not be given effect to.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 3-4-2006
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